

# **EXHIBIT “B”**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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BRUCE C. KYLES,

Plaintiff,

vs.

No. C-13-4695-WHO

CITY OF PITTSBURG, et al.,

## Defendants.

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Taken before KIMBERLEY RICHARDSON, RPR, CCRR

CSR No. 5915

August 7, 2014

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1           Q. Okay. So you're getting out of the car. She  
2 said an officer's approaching, and then please  
3 continue.

4           A. At that point I look back, and I keep walking.  
5 Then I noticed the officer getting out of the car as  
6 he's pulling his weapon.

7           Q. What weapon did he pull out?

8           A. He pulled -- his gun. He pulled a gun.

9           Q. What position was the gun in?

10           MR. ROBINSON: Vague as to time.

11           BY MR. ALLEN:

12           Q. At the moment in time the officer gets out of  
13 the vehicle and you observe him withdraw the weapon,  
14 what position was the gun in?

15           A. He had it pointed at me.

16           Q. In between the time the officer got out of the  
17 vehicle and pointed his gun at you, did he say  
18 anything?

19           A. "Get on the ground."

20           Q. And did you hear that? You heard that command;  
21 yes?

22           A. Yes.

23           Q. You understood that command?

24           A. Yes.

25           Q. What did you do?

1 A. I asked him "Why should I get on the ground?"

2 What did I do?"

3 Q. And what did he say in response?

4 A. "Get on the ground."

5 Q. What happened next?

6 A. Same response. I asked him why.

7 About this time he notices Ms. Lopez on the

8 other side of the car. But I'm agitated that there's a

9 gun in my face, and I haven't done anything.

10 Q. Okay. What happens next?

11 A. The officer's still telling me to get on the

12 ground, and I tell him, I says, "I can't get on the

13 ground. Let's go to your car." And I start walking

14 towards his car at this point.

15 Q. Why did you say you couldn't get on the ground?

16 A. Because I've had -- I had a motorcycle accident

17 back in '84, 1984, and I broke my hip and pelvis in

18 like eight different spots so --

19 Q. And did you inform the officer that you were

20 physically incapable of getting on the ground?

21 A. No.

22 Q. Is there a reason you did not inform him of

23 that?

24 A. No.

25 Q. So what happens next?

1                   A. The officer never did tell me why he wanted me  
2                   to get on the ground or what I was being accosted for,  
3                   so I started walking towards his car with him, and then  
4                   I vaguely remember I got hit with the -- it felt like I  
5                   got hit by something and smacked me, and I guess it was  
6                   the Taser, and I was on the ground.

7                   Q. Did the officer command you to come towards his  
8                   car?

9                   A. I was on the ground.

10                  Q. No. I'm going back a few moments in time when  
11                  you said you began walking towards the vehicle.

12                  A. No.

13                  Q. And then you felt the strike. So I'm wondering  
14                  did the officer command you to approach his vehicle?

15                  A. No.

16                  Q. As you're approaching the vehicle, you feel a  
17                  strike of some sort; is that fair?

18                  A. I'm walking away from the officer when I feel  
19                  the strike. His car is to our rear.

20                  Q. Very good. I did not ask you for position.

21                  So, in relation to his car, where is the  
22                  officer standing?

23                  A. He's to my left. The car is now to my rear.

24                  Q. As you're standing there, the officer is to  
25                  your left, and the car is to your rear?

1 falling.

2 BY MR. ALLEN:

3 Q. You remember falling. You don't remember  
4 how -- what part of your body first came in contact  
5 with the ground?

6 A. It was all of it.

7 Q. Your front, your back or your side?

8 A. It was my front.

9 Q. Do you recall what part of the front part of  
10 your body hit the ground first?

11 A. Shoulder.

12 Q. And after your -- was it your left or right  
13 shoulder that hit the ground first?

14 A. I can't be sure. I'm not sure.

15 Q. After one of your shoulders hit the ground,  
16 what hit the ground next?

17 A. I don't remember.

18 Q. Where were your arms as you were falling?

19 A. Connected to my shoulders.

20 Q. Did your hands break the fall?

21 A. I don't think so, no.

22 Q. After you're on the ground --

23 A. Excuse me, I remember being stunned, and that's  
24 the reason why my arm couldn't break my fall because I  
25 was in a shaking mode from the Taser. I remember

1 shaking.

2 Q. Do you remember how long after you felt the  
3 Taser contact until you hit the ground?

4 A. Maybe one thousand and one.

5 Q. And after you hit the ground, what happens  
6 next?

7 A. I remember shaking. And then I really can't  
8 remember. I remember shaking. It's a lot of -- it was  
9 really fuzzy. I remember my body convulsing. And then  
10 I heard the command of "sic 'em," and a whole new pain  
11 began.

12 Q. So after you fall to the ground and you feel  
13 the shaking and you feel the pain, the next thing you  
14 recall is hearing "sic 'em"?

15 A. Yes.

16 Q. At that time were other -- did you see other  
17 officers on scene?

18 A. I couldn't see any officers.

19 Q. Where were you looking when you were on the  
20 ground? What direction were you facing?

21 A. I was facing down.

22 Q. Oh, your --

23 A. My chest was on the ground. I was face down.

24 Q. Got you. Thank you.

25 Before you believe you were Tased, did you hear

1 interaction with that officer before?

2 A. Never.

3 Q. You're on the ground. You hear the command

4 "sic 'em." Before you hear that command, did you hear

5 any other commands issued to you?

6 A. I was shaking. I don't remember. I don't

7 remember hearing any other commands. I couldn't

8 understand why.

9 Q. Describe your conduct for me, please, from the  
10 time that you interacted with the officer until you hit  
11 the ground. I know that you said you had engaged in a  
12 verbal exchange. You had begun to walk toward the  
13 officer's vehicle. Any other conduct you engaged in  
14 from the time you first saw the officer until you hit  
15 the ground?

16 A. Just verbal. It was all verbal. Basically I  
17 was just letting the officer know that I do have  
18 rights. "I should have a right to know why you're  
19 stopping me, why you want me to get on the ground.  
20 What have I done?"

21 And to these he gave me no reply except for  
22 "Get on the ground."

23 Q. So you're on the ground, and you hear "sic  
24 'em." What happens next?

25 A. I scream.

1 Q. Do you know what happened?

2 A. The dog was ripping my leg up.

3 Q. Had you been aware of the police dog's presence  
4 before you heard the command "sic em"?

5 A. No.

6 Q. You hadn't heard the dog?

7 A. No.

8 Q. Where did the dog bite you, if you know?

9 A. My left calf.

10 Q. After the dog bites you, what happens?

11 A. I was shaking, and the officers are screaming.

12 I can't understand anybody. And they're siccing the  
13 dog on me. That's basically it. That's -- once they  
14 sicced the dog on me, the dog wouldn't stop. The dog  
15 sort of went crazy.

16 Q. Do you know how long the dog bit you?

17 A. About a minute and a half.

18 Q. Did the dog bite you anywhere other than the  
19 left calf?

20 A. All over the lower part of my left leg bites.

21 Q. Is it your contention that the dog would  
22 release and bite somewhere else?

23 A. Yes.

24 Q. At any time did you punch the dog?

25 A. No.

1 A. Yes.

2 Q. Were both arms grabbed about the same time?

3 A. I think they had already had hold of me at the  
4 time that the dog was attacking me.

5 Q. Well, this is an important chronological  
6 distinction. Was your arms grabbed at the moment the  
7 dog's bite commenced or were your arms grabbed before  
8 the dog's bite commenced or were your arms grabbed  
9 after the dog's bite commenced?

10 A. Can you say that again?

11 MR. ROBINSON: Maybe I could help here. What  
12 happened first or did they happen at the same time?

13 THE WITNESS: I was on the ground, and I  
14 remember the officer being here, and I remember the  
15 dog. That's as far as I can go. My field of vision  
16 was like this because of something being on the back of  
17 my neck.

18 BY MR. ALLEN:

19 Q. Do you know if your arms were grabbed before,  
20 about the same time or after the dog started biting?

21 A. After.

22 Q. Do you know if the -- whatever pressure was put  
23 on you in the back of your neck, do you know whether  
24 that pressure was applied before, about the same time  
25 or after the dog began biting?

1 A. It was after.

2 Q. Do you know which officer applied the pressure  
3 to your neck?

4 A. I couldn't see his foot.

5 Q. At any time after the incident, did you learn  
6 which officer applied the pressure to your neck?

7 A. No.

8 Q. And why do you believe it was a foot that was  
9 pressed to the back of your neck?

10 A. Because of the weight that was on the foot and  
11 the way it was pushing my head down, my neck. It felt  
12 like a foot. If it wasn't, it was a pretty big hand.

13 Q. Fair enough.

14 **Any other force -- during the course of the dog**  
15 **bite, was any force administered?**

16 A. I remember getting hit with the flashlight.

17 Q. Any other force administered during the dog  
18 bite?

19 A. No.

20 Q. How many times would you believe that you  
21 were -- were you struck with a flashlight or how was  
22 the force administered by the flashlight?

23 A. Maybe three or four times, bop, bop, bop. He  
24 was trying to get some kind of understanding out of me,  
25 and I wasn't hearing anything, I guess.

1 Q. You believe you were struck three or four times  
2 because you were not understanding the officer?

3 A. Because I couldn't understand, yeah. We wasn't  
4 communicating.

5 Q. Was the officer speaking English?

6 A. No. He was just assaulting me.

7 MR. ROBINSON: Well, no, in connection with his  
8 verbal communications, was it English as far as you  
9 know?

10 THE WITNESS: Yes, yes, it was English.

11 BY MR. ALLEN:

12 Q. Before the flashlight strikes were  
13 administered, what command was the officer saying?

14 A. They were still talking, "Get on the ground."

15 The whole incident was dealing with them trying to get  
16 me into a position to where I was submissive, and I'm  
17 trying to understand why I'm being accosted in the  
18 first place.

19 MR. ALLEN: Motion to strike those portions  
20 that are speculative.

21 BY MR. ALLEN:

22 Q. Where were you struck with the flashlight?

23 A. My head.

24 Q. Where on your head?

25 A. There was a lump.

1 STATE OF CALIFORNIA )

2 ) ss.

3 COUNTY OF ALAMEDA )

4

5 I, KIMBERLEY RICHARDSON, a Shorthand Reporter,

6 State of California, do hereby certify:

7 That BRUCE C. KYLES, in the foregoing

8 deposition named, was present and by me sworn as a

9 witness in the above-entitled action at the time and

10 place therein specified;

11 That said deposition was taken before me at

12 said time and place, and was taken down in shorthand by

13 me, a Certified Shorthand Reporter of the State of

14 California, and was thereafter transcribed into

15 typewriting, and that the foregoing transcript

16 constitutes a full, true and correct report of said

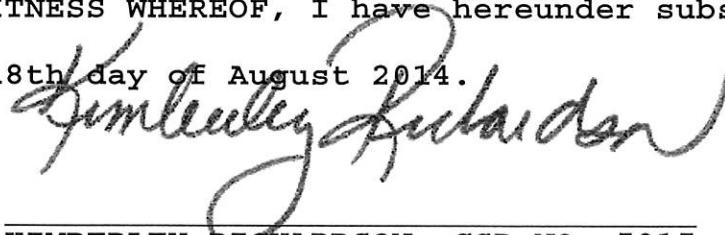
17 deposition and of the proceedings that took place;

18 That before completion of the proceedings,

19 review of the transcript was not requested.

20 IN WITNESS WHEREOF, I have hereunder subscribed

21 my hand this 18th day of August 2014.



23 KIMBERLEY RICHARDSON, CSR NO. 5915  
24 State of California

25